

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ROBERT MURRAY, *as Leviticus Lucifer*, :

Plaintiff, :

-against- :

SIDIKI DABO, et al., :

Defendants. :

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ORDER

22 Civ. 4026 (VEC) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Plaintiff has filed a letter dated May 21, 2023, stating his intention to oppose defendants' motion to dismiss or in the alternative for summary judgment, dated April 10, 2023. Plaintiff's letter does not respond to "Defendants' Local Rule 56.1 Statement of Undisputed Facts in Support of their Motion for Summary Judgment," dated April 10, 2023. However, plaintiff avers that he has lost access to his legal papers and appears to be unsure whether he has received a complete copy of defendants' motion. Accordingly, the Court will grant plaintiff an additional opportunity to respond to defendants' motion.

First, on or before June 5, 2023, defendants shall send a copy of their motion papers to plaintiff at the address listed on the docket. Defendants shall not send the video referenced in their motion in the same envelope as the paper filings. Instead, the defendants shall send the video in separate envelope. On or before June 6, 2023, defendants shall file an affidavit of service reflecting compliance with this paragraph.

Second, on or before July 7, 2023, plaintiff shall file his opposition to the defendants' motion which must include a response to each paragraph of "Defendants' Local Rule 56.1 Statement of Undisputed Facts in Support of their Motion for Summary Judgment," dated April 10, 2023. Plaintiff should also include any sworn statements or other documentation that support his factual assertions because the Court will not consider unsworn factual statements (such as those contained in his letter of May 21, 2023). As summarized in Local Civil Rule 56.2, plaintiff is warned that if he fails to respond to defendants' motion with sworn statements or documents contradicting the defendants' facts, the Court may accept the defendants' facts as true and the case may be dismissed.

Defendants may file any reply to plaintiff's opposition within 14 days of the plaintiff's filing.

If plaintiff fails to timely file opposition, the defendants' motion will be considered based on the current filings.

SO ORDERED.

Dated: June 1, 2023
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge